REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the present amendments and following discussion is respectfully requested.

Claims 1-62 and 66-68 are presently active. Claims 63-65 and 69 have been cancelled without prejudice. No new matter has been added.

Status of Claims: Claims 1-69 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting over Claims 1-44, 1-58, 1-48, 1-78, and 1-62 of co-pending Application Nos. 10/673,138; 10/673,467; 10/673,501; 10/673,507; and 10/673,583, respectively. Claims 1-25, 32-56 and 63-69 stand rejected under 35 U.S.C. § 103(a) as being obvious over Sonderman et al (U.S. Pat. No. 6,802,045) in view of Kee et al (U.S. Pat. No. 5,583,780). Claims 26-31 and 57-59 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sonderman et al and Kee et al in view of Fatke et al (U.S. Pat. Appl. No. 200510016947).

Entry of Amendment: The present amendment is submitted in submitted in accordance with 37 C.F.R. §1.116 which after final rejection permits entering of amendments canceling claims, complying with any requirement of form expressly set forth in a previous Office Action, presenting rejected claims in better form for consideration on appeal, or presenting amendments touching on the merits upon a showing of good and sufficient reasons why the amendment is necessary and was not presented earlier. The present amendment cancels Claims 63-65 and 69 to simplify the appeal. It is therefore respectfully requested that the present amendment be entered under 37 C.F.R. §1.116

A Notice of Appeal is filed herewith. A terminal disclaimer is filed herewith eliminating the non-statutory double patenting rejection.

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Conclusion:

In view of the present amendment and in light of the above discussions, the application as amended herewith is believed to be in condition for appeal. An appeal brief will follow.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.

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